

REMARKS

This application has been carefully considered in connection with the Examiner's Office Action dated August 10, 2007. Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claims 8-15, 18, 20-26 and 28-34 were pending at the time of the Office Action.

Claims 18, 20, 21, 22, 23-24, 30-31 and 32-33 were rejected under 35 USC 103.

Summary of Claim Amendments

Claims 23 and 24 remain as originally presented.

Claims 18, 22, and 32 are currently Amended amended.

Claims 1-17, 19, 25-31, and 34 have been canceled.

Claims 20-21, and 33 were previously presented.

Claims 35-50 are new.

Summary of Claims Pending:

Claims 18, 20-24, 32, 33, and 35-50 are currently pending following this response.

Response to Restriction Requirement

In a telephone conversation with Examiner William J. Allen, Applicants elected to prosecute the invention of Group II, claims 18, 20-24 and 30-33, drawn to a method for selling web services based on a quality of service, classified in class 705, subclass 26. This election was made without traverse. Applicants herein affirm this election.

Applicant Initiated Interview

Applicants thank Examiner William J. Allen for his time and consideration of the proposed amendments and arguments presented in the telephone interview on September 12, 2007. In the interview, Examiner William J. Allen considered the proposed claim amendments and suggested clarifying that after obtaining the web service from the second provider that the web service is used through communication with the second provider instead of using the web service through communication with the first provider. In an effort to advance prosecution, Applicants have amended the claims herein to include the clarification suggested by Examiner William J. Allen.

Response to Rejections

As noted above, Applicants have amended the claims to clarify that a web service may be obtained through a first provider and subsequently obtained from a different provider. When the web service is obtained from the different provider, a configuration that a customer has established to use the web service through the first provider may remain the same or similar to use the web service through the different provider. For example, paragraph 0025 discloses, “the storage component 12 may server as a proxy, receiving the request for service from the customer 14, and then in turn passing the request on the web services provider 16. When the storage component 12

receives the responses from the web services provider for the request, the storage component 12 may pass the response on to the customer.” Paragraph 0026 discloses, “By use of this technique, the customer 14 need make little, if any, changes to the configuration of their web server to make use of the web services from different providers.”

Similarly, paragraphs 0037 and 0038 disclose that a domain name service record may associate the name of the web service with an IP address of the winner of the auction. Should a different provider win a subsequent auction for the same web service, the domain name service record may be changed to point to a different IP address. This allows for the customer to maintain the same configuration while making use of the different provider instead of the service provider that originally won the auction. This increases the efficiency of the electronic marketplace by reducing the amount of configuration work required to make use of the electronic marketplace.

While Pallister discloses a web services auctioning process, Pallister does not provide any teaching or suggestion of a customer maintaining the same configuration for using a web service with a first provider and subsequently using the web service with a different provider. This distinction, as well as others will be discussed in greater detail in the analysis of the present claims that follow.

Response to Rejections under Section 103

In the Office Action dated August 10, 2007, claims 18, 23-34 and 30-31 were rejected under 35 USC § 103(a) as being unpatentable over Pallister et al, U.S. Publication No. 2003/0195813 (hereinafter “Pallister”) in view of Zang et al., U.S. Publication No. 2004/0220910 (hereinafter “Zang”).

Claim 18:

I. Pallister in view of Zang does not teach or suggest maintaining the same configuration for using a web service when the web service is being used by different web service providers.

As amended, Claim 1 recites, “using ... the at least one of the web services through transactions with a proxy in accordance with a configuration wherein the proxy communicates the transactions between the customer and the first of the providers.” Claim 1 also recites, “**subsequent** to obtaining the at least one of the web services from the second of the providers, using ... the at least one of the web services through transactions with the proxy in accordance with **the** configuration, wherein the proxy communicates the transactions between the customer and the second of the providers **instead** of communicating the transactions between the customer and the first of the providers” (emphasis added). Therefore, Claim 1 requires that after obtaining the web service from the second provider, the same configuration is maintained to use the web service, where the proxy communicates the transactions with the second provider instead of with the first provider.

Pallister discloses in paragraph 0030 that, “the potential customer 100 retrieves the address of the web service and binds the customer to the needed web service. In one embodiment, the web service is downloaded onto the customer’s platform. In another embodiment, the web service serves the customer remotely through a one-way request.” Pallister does not provide any teaching or suggestion of using a web service through a web service provider and subsequently using the same web service through a different web service provider, much less maintaining the same configuration to enable using the web service with both of the web service providers.

Applicants respectfully submit that Zang does not cure the deficiencies of Pallister. Zang discloses in paragraph 0170, “Agents 520 ... will use Web services Invoker 540, a proxy program

that invokes Web services for a client requester ..., to automatically invoke Web services 530 to check the capability of that Web service or fetch data from Web Service logging or caching database 535 or get the estimated quality.” Zang does not provide any teaching or suggestion of using a web service through a web service provider and subsequently using the same web service through a different web service provider, much less maintaining the same configuration to enable using the web service with both of the web service providers.

For at least the reasons established above in section I, Applicants respectfully submit that independent claim 18 is not taught or suggested by Pallister in view of Zang and respectfully request allowance of this claim.

Dependent claims 30 and 31 have been canceled herein.

Dependent claims 23 and 24 depend directly or indirectly from independent claim 18 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in section I above, Applicants respectfully submit that claims 23 and 24 are not taught or suggested by the cited references and respectfully request allowance of these claims.

In the Office Action dated August 10, 2007, claims 20, 32-33 were rejected under 35 USC § 103(a) as being unpatentable over Pallister et al, U.S. Publication No. 2003/0195813 (hereinafter “Pallister”) in view of Zang et al., U.S. Publication No. 2004/0220910 (hereinafter “Zang”), as applied to claims 18 and 23-34, and further in view of Hartsell et al, U.S. Publication No. 2002/0049608 (hereinafter “Hartsell”).

Claims Depending from Claim 18:

Dependent claims 20, 32, and 33 depend directly or indirectly from independent claim 18 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in

section I above, Applicants respectfully submit that claims 20, 32, and 33 are not taught or suggested by Pallister in view of Zang in further view of Hartsell and respectfully request allowance of these claims. Applicants respectfully submit that Hartsell does not cure the deficiencies of Pallister in view of Zang discussed in section I.

In the Office Action dated August 10, 2007, claim 21 was rejected under 35 USC § 103(a) as being unpatentable over Pallister et al, U.S. Publication No. 2003/0195813 (hereinafter “Pallister”) in view of Zang et al., U.S. Publication No. 2004/0220910 (hereinafter “Zang”), as applied to claims 18 and 23-24, and further in view of Powers, U.S. Publication No. 2002/0035521 (hereinafter “Powers”).

Claims Depending from Claim 18:

Dependent claim 21 depends directly or indirectly from independent claim 18 and incorporates all of the limitations thereof. Accordingly, for at least the reasons established in section I above, Applicants respectfully submit that claim 21 is not taught or suggested by Pallister in view of Zang in further view of Powers and respectfully request allowance of these claims. Applicants respectfully submit that Powers does not cure the deficiencies of Pallister in view of Zang discussed in section I.

In the Office Action dated August 10, 2007, claim 22 was rejected under 35 USC § 103(a) as being unpatentable over Pallister et al, U.S. Publication No. 2003/0195813 (hereinafter “Pallister”) in view of Zang et al., U.S. Publication No. 2004/0220910 (hereinafter “Zang”), as applied to claims 18 and 23-24, and further in view of Lao et al., U. S. Publication No. 2003/0220880 (hereinafter “Lao”).

Claims Depending from Claim 18:

Dependent claim 22 depends directly or indirectly from independent claim 18 and incorporates all of the limitations thereof. Accordingly, for at least the reasons established in section I above, Applicants respectfully submit that claim 22 is not taught or suggested by Pallister in view of Zang in further view of Lao and respectfully request allowance of these claims. Applicants respectfully submit that Lao does not cure the deficiencies of Pallister in view of Zang discussed in section I.

New Claims:

Claims 35-50 are added by this amendment and are respectfully submitted not to add any new matter. Applicants respectfully submit that these claims contain matter previously disclosed in Applicants' original filing. Support for these claims is found throughout the original disclosure, including paragraphs 0025, 0026, 0037-0040.

Independent claims 35 and 45 include limitations substantially similar to the limitations discussed in sections I above. For at least the reasons established above in section I, Applicants respectfully submit that independent claims 35 and 45 are not taught or suggested by the cited art and respectfully request allowance of this claim.

Dependent claims 36-44 and 46-50 depend directly or indirectly from independent claim 35 and independent claim 45 respectively, and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in section I above, Applicants respectfully submit that claims 36-44 and 46-50 are not taught or suggested by the cited art and respectfully request allowance of these claims.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael W. Piper", written over a horizontal line.

Michael W. Piper
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